



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Oates et al.

Examiner:

Serial No. 10/099,918 (Conf. No. 3586)

Art Unit: 2631

Filing Date: March 14, 2002

for  
WIRELESS COMMUNICATIONS  
SYSTEMS AND METHODS FOR  
MULTIPLE OPERATING SYSTEM  
MULTIPLE USER DETECTION

Attorney Docket: 0102323-00103

#4

RECEIVED

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OFFICE OF PETITION

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

11/19/02  
Date of Signature and Mail Deposit

By:

David Powsner  
Reg. No: 31,868

Commissioner for Patents  
Washington, DC 20231

Petition Under 37 C.F.R. §1.47(a)

Dear Sir:

This is a petition under 37 C.F.R. §1.47(a) for filing when an inventor refuses to sign. Filed herewith are (1) a Declaration signed by the available joint inventors with the signature block of the non-signing inventor left blank; and (2) a Declaration of Carolyn R. Marks setting forth the pertinent facts as to the refusal. The last known address of the non-signing inventor is set forth below.

11/22/2002 MDAITE1 00000023 10099918

04 FC:1460

130.00 OP

A check in the amount of \$130.00, as set forth in 37 C.F.R. 1.17(h), is enclosed. Please charge any additional fees that may be required, and credit any overpayments, to Deposit Order Account 14-1449. A duplicate of this Petition is filed for that purpose.

Paul E. Cantrell ("Mr. Cantrell"), whose last known address was 15 Prescott Drive, Chelmsford MA 01863, is one of the twelve joint inventors of the subject matter of the above cited application. As set forth in the accompanying Declaration of Carolyn R. Marks ("Ms. Marks"), Mr. Cantrell has constructively refused to sign the application. The other eleven joint inventors have signed the application and hereby make the application on behalf of themselves and Mr. Cantrell. The Declaration signed by those eleven joint inventors, with a signature block for Mr. Cantrell left blank, is filed herewith.

Referring to the accompanying Declaration of Carolyn R. Marks, a complete copy of the application was sent to Mr. Cantrell on June 18, 2002, along with a Declaration and Power of Attorney for his signature. A letter sent with the application requested that he sign and return it to the responsible attorney. Mr. Cantrell did not.

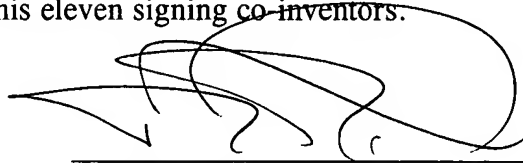
On August 1, 2002, Ms. Marks confirmed, in a telephone conversation with Mr. Cantrell, that he had received the application papers and that he would sign and return them. He said he would. But, he did not.

On August 29 and then, again, on September 6, 2002, Ms. Marks left telephone messages with Mr. Cantrell reminding him that the signed documents had still not been received. Mr. Cantrell did not return those phone calls. Nor did he return the signed documents.

Mr. Cantrell's failure to sign and return the documents and, indeed, to return phone calls regarding same constitutes a constructive refusal to sign per 37 C.F.R. 1.47(a). In view

of the Declaration filed herewith (signed by Mr. Cantrell's co-inventors) and the facts laid out in the accompanying Declaration by Ms. Marks, Applicants hereby request that this application go forward on behalf of Mr. Cantrell and his eleven signing co-inventors.

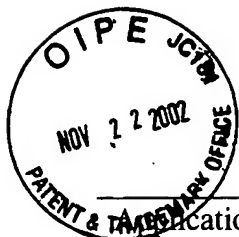
Date: 11/19/02



David Powsner  
Attorney for Applicants

Nutter McClennen & Fish LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
Phone: (617) 439-2717  
Fax: (617) 310-9717

1165739.1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Specification of Oates et al.

Examiner:

Serial No. 10/099,918 (Conf. No. 3586)

Art Unit: 2631

Filing Date: March 14, 2002

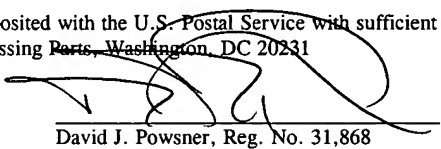
for  
WIRELESS COMMUNICATIONS  
SYSTEMS AND METHODS FOR  
MULTIPLE OPERATING SYSTEM  
MULTIPLE USER DETECTION

Attorney Docket: 0102323-00103

RECEIVED  
DEC 03 2002  
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CERTIFICATE OF MAILING

The undersigned certifies that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail addressed to the Assistant Commissioner for Patents, Box: Missing Parts, Washington, DC 20231

Date: 11/19/02  
David J. Powsner, Reg. No. 31,868

Commissioner for Patents  
Washington, DC 20231

Declaration of Carolyn R. Marks

Dear Sir:

I, Carolyn R. Marks, residing at 49 Russell Road, Somerville, MA 02144, hereby declare as follows:

1. I am an employee at Nutter McClennen & Fish LLP, where I work as an assistant to David J. Powsner, the patent attorney responsible for preparation and filing of the above cited case.
2. To the best of my knowledge, the last known address of Paul E. Cantrell ("Mr. Cantrell") is 15 Prescott Drive, Chelmsford MA 01863.

3. On June 18, 2002, I sent a package on behalf of Mr. Powsner to Mr. Cantrell via Federal Express. The package contained a complete copy of the above cited application, along with a Declaration and Power of Attorney for signature by Mr. Cantrell (as one of several inventors). A cover letter, also included in the package, requested that Mr. Cantrell sign the Declaration and Power of Attorney and return them to Mr. Powsner. A copy of that cover letter and a copy of the complete application that was included with it in the package is attached as Exhibit A. (Although the package also included complete copies of other applications – which are also referred to in the cover letter – those other applications are not included here for brevity.)

4. Mr. Cantrell did not return the signed documents.

5. On August 1, 2002, I spoke with Mr. Cantrell by phone, using a phone number given to me by his last employer, Mercury Computer Systems, Inc., the Assignee. See Exhibit B-1. Mr. Cantrell said he had received the package I sent from Mr. Powsner on June 18, 2002, and said he would review, sign, and return the documents promptly.

6. Again, Mr. Cantrell did not return the signed documents.

7. On August 29, 2002 I attempted to reach Mr. Cantrell by phone at the same number. See Exhibit B-2. I only reached his voicemail and left a message for him reminding him that we still had not received the signed documents and asking him to forward them as soon as possible. I followed up again later that day with a second phone call to Mr. Cantrell and, again, only reached his voicemail – on which I left the same message as before.

8. Mr. Cantrell did not my return my phone calls of August 29, 2002.

9. On September 6, 2002, I again attempted to reach Mr. Cantrell by phone at the same number. See Exhibit B-1. I again only reached his voicemail and I again left a message for him reminding him that we still awaited the signed documents.

10. Again, Mr. Cantrell did not my return my phone call of September 6, 2002.

11. Mr. Cantrell has not returned, signed or otherwise, any of the documents that Mr. Powsner and I forwarded to him in the package of June 18, 2002. Nor has he returned any of my phone calls to him.

12. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/19/02

Carolyn Marks  
Carolyn R. Marks

Nutter McClennen & Fish LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
Phone: (617) 439-2718  
Fax: (617) 310-9718



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
  
Telephone: 901-369-3600

11/19/2002

Dear Customer:

Here is the proof of delivery for the shipment with tracking number **819623119682**. Our records reflect the following information.

---

**Delivery Information:**

---

**Signed For By:** A.BARRY**Delivery Location:** 16 PRESCOTT DR**Delivery Date:** June 19, 2002**Delivery Time:** 1103

---

**Shipping Information:**

---

**Tracking No:** 819623119682**Ship Date:** June 18, 2002**Recipient:**

PAUL F CANTRELL  
-  
15 PRESCOTT DR  
CHELMSFORD, MA 01824  
US

**Shipper:**

DAVID J POWSNER  
NUTTER MCCLENNEN & FISH LLP  
1 INTERNATIONAL PL FL 15  
BOSTON, MA 021102699

**Shipment Reference Information:**

0102323-00087

Thank you for choosing FedEx Express. We look forward to working with you in the future.

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1-800-Go-FedEx®  
Reference No.: R2002111900064455270

  
Exhibit A



David J. Powsner  
Direct Line: 617-439-2717  
Fax: 617-310-9717  
E-mail: djp@nutter.com

## MERCURY COMPUTER SYSTEMS CONFIDENTIAL

June 17, 2002

Paul E. Cantrell  
15 Prescott Drive  
Chelmsford, MA 01863

<p>Re U.S. Patent Applications for WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR MULTIPLE PROCESSOR BASED MULTIPLE USER DETECTION Serial No.: 10/099,883 Filing Date: 3/14/02 Our Ref.: 0102323-00099</p> <p>WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR CACHE ENABLED MULTIPLE PROCESSOR BASED MULTIPLE USER DETECTION Serial No.: 10/099,879 Filing Date: 3/14/02 Our Ref.: 0102323-00101</p> <p>WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR MULTIPLE OPERATING SYSTEM MULTIPLE USER DETECTION Serial No.: 10/099,918 Filing Date: 3/14/02 Our Ref.: 0102323-00103</p>	<p>WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR CONTIGUOUSLY ADDRESSABLE MEMORY ENABLED MULTIPLE PROCESSOR BASED MULTIPLE USER DETECTION Serial No.: 10/099,912 Filing Date: 3/14/02 Our Ref.: 0102323-00100</p> <p>WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR NONVOLATILE STORAGE OF OPERATING PARAMETERS FOR MULTIPLE PROCESSOR BASED MULTIPLE USER DETECTION Serial No.: 10/099,545 Filing Date: 3/14/02 Our Ref.: 0102323-00102</p> <p>WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR DIRECT MEMORY ACCESS AND BUFFERING OF DIGITAL SIGNALS FOR MULTIPLE USER DETECTION Serial No.: 10/099,889 Filing Date: 3/14/02 Our Ref.: 0102323-00104</p>
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Dear Paul:

Per my telephone message, I would appreciate your signing the enclosed patent applications on which you are named as an inventor by Mercury Computer Systems, Inc. These cover aspects of the MUD wireless telecommunications system you worked on while at Mercury. As with other Mercury proprietary information, please treat the applications as confidential.

Nutter McClennen & Fish LLP ■ Attorneys at Law

One International Place ■ Boston, MA 02110-2699 ■ 617-439-2000 ■ Fax: 617-310-9000 ■ [www.nutter.com](http://www.nutter.com)





Once you have reviewed the applications for completeness and accuracy, please sign and date the "Combined Declaration and Power of Attorney" attached to the front of each of the applications, as well as the accompanying Assignments. **Please sign the Assignment before a Notary Public.**

It is best to refrain from marking the patent applications, apart from signing each of the attached "Combined Declaration and Power of Attorney". Accordingly, if there are any points that you feel should be raised with respect to the content of the applications, please contact me.

Also, please do not detach the "Combined Declaration and Power of Attorney" from each application.

Once the papers have been executed, please use the enclosed Fedex envelopes to return them to me for filing with the U.S. Patent & Trademark Office. If you have any questions, please do not hesitate to give me a call.

Sincerely yours,

David J. Powsner

cc: Rebecca Dowse  
DJP:crm  
Enclosures

1115834.1

ASSIGNMENT

WHEREAS, we, John H. Oates, of 59B Seaverns Bridge Road, Amherst, New Hampshire 03031, Steven R. Imperiali, of 43 Haynes Road, Townsend, Massachusetts 01469, Alden J. Fuchs, of 160 Pine Hill Road, Nashua, New Hampshire 03063, Kathleen J. Jacques, of 10 Juniper Street, Jay, Maine 04239, Jonathan E. Greene, of 83 Hollenbeck Avenue, Great Barrington, Massachusetts 01230, William J. Jenkins, of 479 Whitepond Road, Leominster, Massachusetts 01453, Frank P. Lauginiger, of 772 Russell Station Road, Frankestown, New Hampshire 03043, David E. Majchrzak, of 33 Jessica Drive, Merrimack, New Hampshire 03054, Paul E. Cantrell, of 15 Prescott Drive, Chelmsford, Massachusetts 01863, Mirza Cifric, of 180 Arborway, Jamaica Plain, Massachusetts 02130, Ian N. Dunn, of 48 North Court Street, #1, Providence, Rhode Island, 02903, and Michael J. Vinskus, of Litchfield, New Hampshire 03052, having invented certain new and useful improvements in WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR MULTIPLE OPERATING SYSTEM MULTIPLE USER DETECTION, for which we have made application for United States Letters Patent, said application filed March 14, 2002 and accorded U.S. Serial No. 10/099,918; and

WHEREAS, Mercury Computer Systems, Inc., a Massachusetts corporation, having a place of business at 199 Riverneck Road, Chelmsford, Massachusetts 01824, and its successors and assigns (collectively hereinafter called "ASSIGNEE"), is desirous of acquiring our entire right, title and interest in and to the invention, and in and to the said applications and any Letters Patent that may issue thereon;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledge, we do hereby sell assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive right, title and interest in and to said invention and in and to said applications and all patents which may granted therefore, and all divisions, reissues, substitutions, continuations, continuations-in-part and extensions thereof; and we hereby authorize and request the Commissioner of Patents and

Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as our interest is concerned, to the said ASSIGNEE of our entire right, title and interest.

We also hereby sell and assign to said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive rights, title and interest to the invention disclosed in said applications throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights of priority, all rights to publish cautionary notices reserving ownership of said invention, and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such rights, title and interest in ASSIGNEE, its successors, assigns and legal representatives.

We hereby further agree that we will communicate to said ASSIGNEE, or to its successors, assigns and legal representative, any facts known to us respecting any improvements; and, at the expense of said ASSIGNEE, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make all lawful oaths, and generally do everything possible to vest title in said ASSIGNEE and to aid said ASSIGNEE, its successors, assigns and legal representatives to obtain and enforce proper protection for said invention in all countries.

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**John H. Oates**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared John H. Oates known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Steven R. Imperiali**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Steven R. Imperiali known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Alden J. Fuchs**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Alden J. Fuchs known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Kathleen J. Jacques**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Kathleen J. Jacques known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Jonathan E. Greene**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Jonathan E. Greene known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**William J. Jenkins**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared William J. Jenkins known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Frank P. Lauginiger**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Frank P. Lauginiger known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**David E. Majchrzak**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared David E. Majchrzak known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Paul E. Cantrell**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Paul E. Cantrell known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Mirza Cifric**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Mirza Cifric known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:



IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Ian N. Dunn**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Ian N. Dunn known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(City, State) (Day) (Month) (year)

\_\_\_\_\_  
**Michael J. Vinskus**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared Michael J. Vinskus known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

.....  
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES LETTERS PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**WIRELESS COMMUNICATIONS SYSTEMS AND METHODS FOR  
MULTIPLE OPERATING SYSTEM MULTIPLE USER DETECTION**

the specification of which

(check one)

☒ is attached hereto.

☒ was filed on: 3/14/02

as Application No.: 10/099,918

and was amended on:  
(if applicable).

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Nutter, McClennen & Fish, LLP, One International Place, Boston, MA 02110-2699, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

## FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

(check one)

☒ no such foreign applications have been filed.

: such foreign applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


### CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(s)

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

(check one)

☐: no such U.S. provisional applications have been filed.

☒ such U.S. provisional applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119(e)
60/275,846	3/14/01	<u>  X  </u> Yes    No <u>      </u>
60/289,600	5/7/01	<u>  X  </u> Yes    No <u>      </u>
60/295,060	6/1/01	<u>  X  </u> Yes    No <u>      </u>

### CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(s)

I hereby claim the benefit under Title 35, United States Code §120, of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

(check one)

☒ no such U.S./PCT applications have been filed.

☐: such U.S./PCT applications have been filed as follows:

Application Number	Date of Filing (month, day, year)	Status (Patented/Pending/Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

Ronald E. Cahill	Reg. No. 38,403	Herbert A. Newborn	Reg. No. 42,031
Thomas J. Engellenner	Reg. No. 28,711	Tram Anh T. Nguyen	Reg. No. 47,257
William C. Geary III	Reg. No. 31,359	David J. Powsner	Reg. No. 31,868
Lisa J. Michaud	Reg. No. 44,238	Jasbir Sagoo	Reg. No. 51,177
Reza Mollaaghababa	Reg. No. 43,810		

all of Nutter McClennen & Fish, LLP, One International Place, Boston, Massachusetts 02110-2699, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Please mail correspondence to: David J. Powsner  
at **Customer Number 021125**, whose address is:

Nutter McClennen & Fish, LLP  
One International Place  
Boston, Massachusetts 02110-2699

Please direct telephone calls to: David J. Powsner  
at (617)439-2717.

Please direct facsimiles to: (617)310-9717

Full name of sole or first joint inventor John H. Oates	
Inventor's Signature	Date
Residence 59B Seaverns Bridge Road, Amherst, New Hampshire 03031	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of second joint inventor Steven R. Imperiali	
Inventor's Signature	Date
Residence 43 Haynes Road, Townsend, Massachusetts 01469	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of third joint inventor Alden J. Fuchs	
Inventor's Signature	Date
Residence 160 Pine Hill Road, Nashua, New Hampshire 03063	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of fourth joint inventor Kathleen J. Jacques	
Inventor's Signature	Date
Residence 10 Juniper Street, Jay, Maine 04239	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of fifth joint inventor Jonathan E. Greene	
Inventor's Signature	Date
Residence 83 Hollenbeck Avenue, Great Barrington, Massachusetts 01230	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of sixth joint inventor William J. Jenkins	
Inventor's Signature	Date
Residence 479 Whitepond Road, Leominster, Massachusetts 01453	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of seventh joint inventor Frank P. Lauginiger	
Inventor's Signature	Date
Residence 772 Russell Station Road, Frankestown, New Hampshire 03043	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of eighth joint inventor David E. Majchrzak	
Inventor's Signature	Date
Residence 33 Jessica Drive, Merrimack, New Hampshire 03054	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of ninth joint inventor Paul E. Cantrell	
Inventor's Signature	Date
Residence 15 Prescott Drive, Chelmsford, Massachusetts 01863	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of tenth joint inventor Mirza Cifric	
Inventor's Signature	Date
Residence 180 Arborway, Jamaica Plain, Massachusetts 02130	
Country of Citizenship US	
Post Office Address (required) same as above	



Full name of eleventh joint inventor Ian N. Dunn	
Inventor's Signature	Date
Residence 48 North Court Street, #1, Providence, Rhode Island 02903	
Country of Citizenship US	
Post Office Address (required) same as above	

Full name of twelfth joint inventor Michael J. Vinskus	
Inventor's Signature	Date
Residence 5 Cranberry Lane, Litchfield, New Hampshire 03052	
Country of Citizenship US	
Post Office Address (required) same as above	

1105078.1

NUTTER MCCLENNEN & FISH, LLP

Telephone Dialing Report - Boston

Date Range  
From 7/1/2002 0:00  
To 8/12/2002 23:59

16 Marks Carolyn:

				Phone Transaction(s)		
Date	Time	Account Code	Description	Number	Destination	
8/1/2002	13:06	10232399	3718	978 455 6308	Lowell, MA, *	
8/5/2002	13:06					Duration Net Charges New Account
8/7/2002	10:16					0:01:00 0.34
8/7/2002	13:37					0:01:00 0.34
						0:02:00 0.70
						0:01:00 0.35
Trans totals for Phone:				0:05:00	1.73	

Totals For 16 Marks Carolyn:

1.73

NUTTER McCLENNEN & FISH, LLP

Telephone Dialing Report - Boston

Date Range  
From 8/31/2002 0:00  
To 9/21/2002 23:59

5 Marks Carolyn:

				Phone Transaction(s)	
Date	Time	Account Code	Description	Number	Destination
9/3/2002	10:01				
9/5/2002	00				
9/5/2002	10				
9/6/2002	12:42	1023123-100	3718	978 455 6308	Lowell, MA
9/16/2002	14:33				
9/18/2002	12:40				
9/18/2002	1				
9/19/2002	1				
9/19/2002					
Trans totals for Phone:				0:36:00	12.57

Totals For 5 Marks Carolyn:

12.57

# Your AT&T Statement

August 29–September 28, 2002



#BWNCJFM  
#19091126098019# D 22659AT10.292B111A69484\*\*3DGT



CAROLYN MARKS  
49 RUSSELL RD FL 1  
SOMERVILLE MA 02144-1538

Customer ID: 617 627-9077

Page 1 of 4

Customer Service: 1 800 222-0300

Text Phone (TTY): 1 800 833-3232

Internet Address: [www.att.com](http://www.att.com)

## Summary of charges

Previous balance .....	73.97
Payments .....	0.00
<b>UNPAID BALANCE DUE UPON RECEIPT .....</b>	<b>\$73.97</b>
AT&T One Rate® Weekends Plan calls .....p 3 .....	14.07
Other charges and credits .....p 3 .....	1.97
Taxes and surcharges .....p 4 .....	1.28
<b>Current charges due Nov 7, 2002 .....</b>	<b>\$17.32</b>
<b>Total amount due .....</b>	<b>\$91.29</b>



## Extra! Extra!

AT&T Online Customer Service is available 24 hours a day, 7 days a week. Visit

<http://www.att.com/selfservice3> to see your account. Cont. ►

Continues on back



### AT&T One Rate® Weekends Plan calls

Description	Amount
AT&T One Rate® Weekends Plan	
monthly fee Sep 28 - Oct 27, 2002	4.95
Direct dialed calls	9.12

Total AT&T One Rate® Weekends Plan calls.....\$14.07

### Direct dialed calls

Date	Number called	Where	Time	Rate	Type	Min	Amount after savings
1 Aug 29	978 455-6308	Lowell,MA	6:48pm	night	direct	1	.05
2 Aug 29	978 455-6308	Lowell,MA	8:10pm	night	direct	1	.05
3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	18	1.26
22	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1	.07
23	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	1	.07
24	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	12	.84
						1	.07
						136	\$9.12

### Other charges and credits

Date	Description	Amount
25	Universal connectivity charge	1.47
	For an explanation of this charge, please call 1 800 532-2021.	
26	In-state connection fee	.50
	For an explanation of this charge, please call 1 800 333-5256.	
		\$1.97